

YADKIN COUNTY BOARD OF COMMISSIONERS
REGULAR MINUTES
February 28, 2008

The Yadkin County Board of Commissioners met in Regular Session on Thursday, February 28, 2008 at 9:00am in the Yadkin County Human Services Building (Commissioner's Meeting Room), 217 E. Willow Street, Yadkinville, North Carolina.

Present Were:

Chair Kim Clark Phillips
Vice Chair Joel Cornelius
Commissioner Tommy Garner
Commissioner Chad Wagoner
Commissioner Brady Wooten

Staff Present: County Manager, Eric Williams and County Attorney, Jim Graham.

CALL TO ORDER by Chair Phillips at 9:00am

Commissioner Wooten made a motion to appoint County Manager Williams as the Acting Clerk in absence of Clerk Brown.

Commissioner Wagoner second.

Vote: 5/0

INVOCATION by Attorney Jim Graham

PLEDGE OF ALLEGIANCE led by Chair Phillips

ADJUSTMENTS TO/ADOPTION OF THE AGENDA

- (1) County Manager, Eric Williams, reported that Dr. Benfield would not be present for an update due to a scheduling conflict.
- (2) County Manager, Eric Williams, advised that there would be additional information provided under Manager Reports regarding the recent 5D meeting and the 5D Project.

**Vice Chair Cornelius made a motion to approve the agenda with noted adjustments. Commissioner Wooten second.
Vote: 5/0**

PUBLIC COMMENTS

There were no speakers for Public Comment at today's meeting.

APPROVAL OF MINUTES

Adjustments as follows:

- Pg. 2 – Change from \$23 million to \$24 million
- Pg. 11 – Change Chair Phillips to Chair Phillips'

**Commissioner Wooten made a motion to approve minutes for the February 11, 2008 Joint Meeting with the Planning Board and the minutes of the February 18, 2008 Regular Meeting with noted adjustments. Vice Chair Cornelius second.
Vote: 5/0**

REVIEW OF CLOSED SESSION MINUTES

The Board reviewed the following Closed Session Minutes:

- | | |
|-------------------|-------------------|
| July 17, 1995 | December 18, 1995 |
| May 6, 1996 | August 5, 1996 |
| August 19, 1996 | October 7, 1996 |
| October 21, 1996 | November 18, 1996 |
| December 20, 1996 | |

**Vice Chair Cornelius made a motion to release the noted Closed Session Minutes. Commissioner Wooten second.
Vote: 5/0**

PUBLIC HEARING

There were no items for Public Hearing at today's meeting or requests to set Public Hearings.

BOARD APPOINTMENTS

A request for appointments to the YVEDDI Board of Directors was reviewed.

Commissioner Wooten made a motion to reappoint Chair Phillips and Commissioner Garner as representatives with Mr. Dinkins and Mr. Gonzalez as alternates to the YVEDDI Board of Directors in accordance with requests from YVEDDI Director, Jo Ann Larkins. Commissioner Wagoner second.

Vote: 5/0

BOARD REPORTS/REQUESTS

Dr. Jim Benfield, Yadkin County Schools Superintendent was unable to appear due to a scheduling conflict.

Bobby Todd, Economic Development Director, provided the following information and updates:

- (1) There was a decrease in activity for the month of January. Neighboring Counties experienced the same.
- (2) Mr. Scott Whitaker of Boonville, current Chairman of the Crossroads Behavioral Healthcare Board, recently received the Triad Business Leaders Award for Leaders Under 40. Mr. Todd attended the event.
- (3) Nominations for the "North Carolina Leadership in Sustainable Energy" Awards were due on Friday. Mr. Todd and Manager Williams agree that Johnson Modern Electric of East Bend would be an excellent candidate for this award and that having the nomination come from the Board themselves would be the way to proceed.

On behalf of Yadkin County, Commissioner Wooten made a motion to authorize the nomination of Johnson Modern Electric for the "North Carolina Leadership in Sustainable Energy" Award to be accompanied by a Resolution or cover letter. Vice Chair Cornelius second.

Vote: 5/0

[“North Carolina Leadership in Sustainable Energy” Award Application and Cover Letter for Johnson Modern Electric is attached as Addendum A]

Wayne Matthews, Chairman of the Criminal Justice Partnership Program Advisory Board, provided the following information and updates:

- (1) Ongoing funding for the Criminal Justice Partnership Program (CJPP) was reviewed along with the program's purpose and measurable outcomes. Some discussion followed regarding certain specifics of the Pre-Trial Release Program. In particular, Vice Chairman Cornelius expressed some concern about individuals in the program who had Sex Offense charges and Mr. Josh Collins, Pre-Trial Release Coordinator, provided clarifying information.

Commissioner Wooten made a motion to authorize the completion of the FY 2009 Funding Application as presented. Commissioner Garner second.

Vote: 5/0

(2) RESOLUTION IN SUPPORT OF CONTINUATION OF CRIMINAL JUSTICE PARTNERSHIP PROGRAM FUNDING.

County Manager Williams referred to both the Resolution, the email from Mr. David Thompson, Executive Director of NCACC, and the February 1, 2008 Report from the Division of Community Corrections (State DOC) entitled "Interim Continuation Legislative Report on the Criminal Justice Partnership Program" regarding potential loss of ongoing State support for the CJPP Program. In view of the importance of this program (in connection with helping to manage the over capacity problems in the current jail, as well as other benefits), the potential loss of ongoing secure funding is a concern.

Commissioner Wooten made a motion to approve the RESOLUTION IN SUPPORT OF CONTINUATION OF CRIMINAL JUSTICE PARTNERSHIP PROGRAM FUNDING. Commissioner Garner second.

Prior to a vote on the motion, Chair Phillips indicated the wording should be further refined to indicate which portion of the State budget was of concern.

Vote: 5/0

[RESOLUTION IN SUPPORT OF CONTINUATION OF CRIMINAL JUSTICE PARTNERSHIP PROGRAM FUNDING is attached as Addendum B]

- (3) CJPP Board Appointments were reviewed. The Board had no additional comments or concerns.

Commissioner Wagoner made a motion to approve the appointments to the Criminal Justice Partnership Program Advisory Board as recommended. Commissioner Garner second.

Vote: 5/0

[The recommended list of Criminal Justice Partnership Program Advisory Council members is attached as Addendum C]

Chris Shugart, Yadkin County IT Director, presented the following information and updates:

- (1) Voice-Over Internet Protocol Phone System – Director Shugart presented a PowerPoint presentation (supplemented with a handout) entitled “VOIP and Current Phone System Comparison” showing current and projected costs (on a per month, per year, and for the initial 5-year period, and then from 6-10 years) which described the expected overall savings to the County to switch to the VOIP System. Extensive discussions followed, with a variety of questions from all Board members and the overall consensus that implementing this new system would not only save the county money, but result in an easier system to utilize and allow for a number of new and enhanced features. During the discussion, it was indicated that the expected full switch over could be accomplished on or before July 1, 2008.

Commissioner Wooten made a motion to move forward with the VOIP System subject to review and approval by the County Attorney of all related contract documents, whether for the purchasing and/or leasing of necessary equipment. Vice Chair Cornelius second.

Vote: 5/0

- (2) Broadcasting Options - – Director Shugart presented a PowerPoint presentation (supplemented with a handout) entitled “Prices and Sample Sites to Post Audio and/or Video to the County’s Website Utilizing Granicus”. The options available through Granicus (www.granicus.com) were reviewed for both audio only and audio plus video showing a variety of cost components (including software, professional services, hardware, and shipping), as well as the total monthly hosting fee. A listing of other counties and municipalities

throughout North Carolina who utilize Granicus was also displayed. The general consensus of the Board is that providing this system through the County's website, was preferable to an approach using either Time Warner Cable, or another cable company operating in Yadkin County, due to the overall greater accessibility by the general public. During the discussion, Commissioner Garner posed the question of using either the County's website or a cable company to the audience in attendance (which included not only County staff, but a number of citizens), and everyone voicing a preference indicated the County's website was more desirable. At the end of the discussion, the Board indicated their very favorable impressions of this approach to broadcasting Commissioner meetings (along with other advantages for producing minutes, posting relevant documents, etc.) and expressed the desire that this system be considered during reviews of next year's budget.

- (4) Time Management and Attendance - Director Shugart presented a PowerPoint presentation (supplemented with a handout) entitled "A Time and Attendance System Comparison, Kronos vs. Stromberg". During the discussion, the deficiencies in the County's current system of time keeping was reviewed and compared to the known advantages that would be provided either by the Kronos or the Stromberg systems. The information provided compared information such as: the number of expected users, the number of bio-metric clocks needed with either system, options for employees to record time in and out, and, finally, comparisons of both vendors with respect to total costs and annual maintenance fees. The comparison indicated that the Stromberg system was a better value, with approximate total up-front implementation costs of \$87,000 and annual maintenance fees of \$10,000. The Board had a general favorable impression of the Stromberg system and asked Director Shugart and the County Manager to further review the expected costs and, in addition, make an effort to identify the time and costs current staff are devoting toward the County's current system and to report back to the Board at the next upcoming meeting on March 17. In addition, upon the request of the Board, Director Shugart distributed a detailed hardware and software cost sheet from Stromberg detailing the proposal, which provided further detail.

Chair Phillips called for a recess at 10:40am. Meeting resumed at 10:53am.

** Chair Phillips excused herself from the remainder of the meeting for a personal situation. Vice Chair Cornelius presided from 10:53am until adjournment.

Cheri Cranfill, Solid Waste Supervisor, presented the following:

The Board was briefed by Ms. Cranfill, along with Solid Waste Committee Members Commissioner Wooten and Commissioner Garner, as well as the County Manager, regarding the final work underway on the request for proposals (RFP) for privatizing some of the County's current operations and further shared the timeline of: review with BOC on 2/28, a final draft to the SW Committee on 3/4, distribution of the RFP to potential vendors on 3/10, a legal notice in the Yadkin Ripple on 3/13, a pre-bid meeting on 3/24, and a scheduled bid opening on 5/5 at 1:00pm. It was noted by those reporting that if some privatization were to occur, a realistic implementation date would be on or about October 1, 2008.

Joe Boyette, Parks and Recreation Director; Gary Hayes, Inspections and Permitting Director; and Eric Williams, County Manager presented the following to the Board:

County Manager Williams opened the discussion acknowledging the Board's previous action to amend the current year's budget to provide a total of approximately \$75,000 (which included an additional \$25,000 during the current year added to that already in-hand) to construct new bathroom facilities and a concession stand at the Yadkin County Park. The County Manager, supplemented with information from both Mr. Boyette and Mr. Hayes, indicated that there were 2 different approaches to completing the project, one more formal than the other. It was indicated that whichever approach the County followed was clearly allowed by the statutory bidding and contracting statutes. Mr. Boyette reiterated that the initial approach (the more informal one) was intended to hold costs down as much as possible. County Manager Williams further indicated that the more formal approach might be more expensive, but would have the benefit of less liability and exposure for the County. The County Manager, along with Mr. Boyette and Mr. Hayes, indicated their desire to pursue initially the more formal approach which would identify the specific costs, compare those to the available funds, and report back to the Board at the appropriate time. The Board concurred with this approach.

BOARD ACTION

(1) RESOLUTION APPROVING AN INSTALLMENT FINANCING CONTRACT, A DEED OF TRUST AND OTHER DOCUMENTS AND APPROVING AND AUTHORIZING CERTAIN ACTIONS IN CONNECTION WITH THE FINANCING OF A PORTION OF THE COST OF TWO NEW MIDDLE SCHOOLS

County Manager Williams, along with County Attorney Graham, described the Resolution, indicated the various documents referenced therein (Installment Financing Contract Between the County and BB&T, the Deed of Trust and Security Agreement, the Administrative Agreement between the County and the Board of Education, and finally, the Lease Agreement Between the County and the Board of Education. It was indicated that all of these documents (copies of which were displayed at the meeting) were in the final stages of preparation and each of them (individually and as a collective set) were consistent with previous Board action and were designed to gain Local Government Commission approval on March 4, 2008, with plans to close the loan with BB&T (at the 3.83% rate, fixed, over a 20-year term) either the week of March 10, or the following week of March 17.

Some general discussion followed and Commissioner Wooten indicated his ongoing concern that the expected costs of the Middle Schools Project exceeded the original budget and accordingly he intended to vote 'no' on this Resolution.

Commissioner Wagoner made a motion to approve the RESOLUTION APPROVING AN INSTALLMENT FINANCING CONTRACT, A DEED OF TRUST AND OTHER DOCUMENTS AND APPROVING AND AUTHORIZING CERTAIN ACTIONS IN CONNECTION WITH THE FINANCING OF A PORTION OF THE COST OF TWO NEW MIDDLE SCHOOLS. Commissioner Garner second.

Vote: 3/1

[The RESOLUTION APPROVING AN INSTALLMENT FINANCING CONTRACT, A DEED OF TRUST AND OTHER DOCUMENTS AND APPROVING AND AUTHORIZING CERTAIN ACTIONS IN CONNECTION WITH THE FINANCING OF A PORTION OF THE COST OF TWO NEW MIDDLE SCHOOLS is attached as Addendum D]

- (2) Sheron Church, Finance Director, presented budget amendments for the E-911 Fund, Information Technology, and ROAP.

Commissioner Wooten made a motion to approve the Budget Amendments for E-911 Fund, Information Technology, and ROAP. Commissioner Wagoner second.

Vote: 4/0

[Budget Amendments for E-911 Fund, Information Technology, and ROAP are attached as Addendum E]

- (3) Becky Reavis, Public Health Administrative Officer, presented budget amendments for the Health Department representing various additional State and Federal monies received as well as a NCDHHS grant for the Dental Health Clinic. It was noted that these amendments were previously reviewed at the Board of Health meeting on 2/19.

Commissioner Wooten made a motion to approve the Budget Amendments for Public Health. Commissioner Garner second.

Vote: 4/0

[Budget Amendments for Public Health are attached as Addendum F]

MANAGER REPORTS/COMMENTS

- (1) Waterline Tap Incentive – County Manager Williams referenced the spreadsheet in the agenda packet showing the status of this matter as of 2/22/08. It was acknowledged that as 5/15 drew closer, additional efforts might be considered to further encourage individuals to take advantage of the incentive offer.

- (2) County's Current Noise Ordinance – County Manager Williams indicated that there was additional interest in discussing the County's existing Ordinance (once codified, probably within the Nuisance Section of the Code). Vice Chairman Cornelius further elaborated that the current language in the code was overly vague and appeared to be insufficient with regard to issues in this regard arising from more urban type growth versus the traditional rural environment. It was verified that enforcement of the Noise Ordinance was not within the area of responsibility of the Planning and Zoning Department, or as

part of the Zoning Ordinance. Major Danny Widener also participated in the discussion and indicated a currently pending case in Yadkin County (involving identified violations of the Noise Ordinance in the East Bend area) might provide further guidance once the case is heard.

(3) Designation of a "Review Officer" – County Manager Williams made reference to agenda materials regarding the need fairly soon to designate one or more "Reviewing Officers" in connection with requirements concerning mapping, land records, and recording of deeds in the Register of Deeds Office. This was provided just as a matter of information.

(4) Legal Counsel to attend the Wednesday, March 12 Board of Adjustment Meeting – County Manager Williams advised the Board, as a matter of information, that Legal Representation had been requested concerning the upcoming matter of a Conditional Use Application for a firing range (to accommodate the Forbush High School Hunter Safety Program) scheduled for 3/12/08. It was anticipated that either Mr. Harding or Mr. Graham would provide that.

(5) 5D – (This item was added during the Agenda Adjustment part of this meeting.) County Manager Williams referred to earlier emails concerning two matters of follow-up information on the 5D project as follows:

(a) Information from the offices of Ms. Mary Combs, USDA NRCS, State Conservationist, regarding the technical assistance to be provided by her offices in connection with the 5D project and the recent notification of the Federal earmark from the office of Representative Virginia Foxx. The information provided is titled "Deep Creek 5D Yadkin County, North Carolina NRCS Technical Assistance Worksheet". In addition to the initial email from the County Manager (dated 2/27/08), a hard copy of this was also distributed at the meeting.

[Deep Creek 5D Yadkin County, North Carolina NRCS Technical Assistance Worksheet is attached as Addendum G]

(b) In addition, County Manager Williams also advised the Board regarding the estimated total project cost (of \$25,000,000), which was provided by Schnabel Engineering and is a follow-up from the group meeting held on 2/26/08 on the 5D Project. The information is titled "Deep Creek Watershed, Dam Site 5D Yadkin County North Carolina February 26, 2008 (Revised) Engineer's Opinion of Probable Construction Project Costs". In addition to the

initial email from the County Manager (dated 2/28/08), a hard copy of this was also distributed at the meeting.

**[Deep Creek Watershed, Dam Site 5D Yadkin County, North Carolina February 26, 2008
(Revised) Engineer's Opinion of Probable Construction Project Costs is attached as
Addendum H]**

CALENDAR NOTES

Calendar items were reviewed. It was noted that the previously scheduled HR Committee meeting for 2/27/08 was cancelled by mutual agreement between the Committee members and the County Manager.

COMMISSIONER COMMENTS

Commissioner Wagoner had the following item for discussion:

(1) Commissioner Wagoner commented on the ongoing discussions regarding the withdrawal by "Partnership for a Drug Free NC" (dba Insight Human Services) and their effective ceasing of services on or about 3/28/08 and discussions underway with the Crossroads Behavioral Healthcare LME Board concerning alternative plans. Commissioner Wagoner indicated while this recent development was causing some serious challenges, that he felt confident Mr. Swann, other Crossroads staff as needed, were on top of the situation. Commissioner Wagoner further indicated a meeting on this matter attributed to him having to leave the 5D meeting on 2/26/08 as soon as it adjourned.

(2) Commissioner Wagoner also indicated his planned involvement in the upcoming March 7 "Read Across America Day" and encouraged other Board members and staff to participate if they could.

Commissioner Wooten had the following for discussion:

(1) Commissioner Wooten brought up the Board's prior decision to locate the new jail on the Hoots Road site versus a downtown location. Commissioner Wooten indicated that he felt construction differentials between the 2 sites by Moseley Architects were incorrect and mentioned specifically the calculations related to fill material and he also mentioned that transportation costs were

not factored in and that he had obtained (from a Yadkin County deputy) an estimate of transportation costs in the range of \$250,000 annually for transports to the Hoots Road site above those at a downtown location.

Accordingly, Commissioner Wooten made a motion for the Board to reconsider the location decision for the jail to go to the proposed downtown site. Motion died for a lack of second.

Commissioner Garner had no additional comments.

Vice Chair Cornelius requested everyone to keep Dr. Keith Phillips, Chair Kim Phillips, others involved in the situation in Cameroon, as well as friends and family, in everyone's collective prayers.

Attorney Graham announced that updated delinquent tax information would be provided at the next meeting.

Commissioner Wooten made a motion to adjourn. Commissioner Garner second.

Vote: 4/0

Meeting adjourned at 11:52am.

Prepared and Approved by
Acting Clerk, Eric Williams